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REMARKSI. Introduction

In response to the Office Action dated March 13, 2007, claims 21, 22, 51 and 52 have been cancelled, claims 1, 8, 9, 12, 16, 25, 31, 38, 39 and 46, have been amended. 1-20, 23-50, and 53-60 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. The Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for clarifying the language of the claims and facilitating expeditious prosecution of the allowable subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

III. The Cited References and the Subject Invention

A. The Walker Reference

U.S. Patent No. 6,692,353, issued February 17, 2004 to Walker et al. discloses an electronic amusement device and a method for operating the device are disclosed. A slot machine server controls a secondary game of chance played at a client slot machine. The server receives a player identifier corresponding to a player and a client identifier corresponding to a client slot machine. The server retrieves registration data relating to a secondary game of chance corresponding to the player identifier and the client identifier. The server further receives an outcome from the client slot machine and analyzes the outcome based on game requirements associated with the secondary game of chance, thereby determining whether the outcome satisfies at least one of the game requirements. Once all of the game requirements have been satisfied, the server updates a session status indicating the completion of the game requirements.

B. The Boushy Reference

U.S. Patent No. 5,761,647, issued June 2, 1998 to Boushy discloses a system and method for implementing a customer tracking and recognition program that encompasses customers' gaming and non-gaming activity alike at a plurality of affiliated casino properties. Customer information is accumulated at each affiliated casino through one or more LAN-based management systems, updated to a central patron database (CPDB) that is coupled to each casino LAN through a WAN, and made available to each affiliated casino property as needed. Customer accounts are automatically activated and provided with data from the CPDB when a customer from one casino property first visits an affiliated casino property. Customer accounts are updated with new activity data whenever a management system associated with the casino receives customer data from input devices, such as card readers, workstations, and dumb terminals, located at various venues throughout the casino. Customers are awarded points, based on their tracked activity at all affiliated casino properties. The point awards have a monetary value and are redeemable for gifts, meals, cash and the like, at any of the casino properties. The point awards may embody different promotional schemes in which point awards are adjusted to target different casino properties or different venues within a casino. Summary customer data, including point levels, is regularly updated to reflect ongoing customer activity at the casino property. This data is made available to employees at any affiliated casino property, as needed, to personalize customer services.

C. The Acres Reference

U.S. Patent No. 6,319,125, issued November 20, 2001 to Acres discloses a method and apparatus for controlling a bonusing promotion system using a bonus server interconnected to a plurality of gaming devices is described. A percentage of a wager played on each gaming device is accumulated into a bonus pool stored on the bonus server. The bonus pool is compared to a threshold value stored on the bonus server each time the bonus pool changes. One of the gaming devices is selected when the threshold value is substantially met. A bonus prize funded by the bonus pool is awarded to the selected gaming device.

D. The McCrea Reference

U.S. Patent No. 6,346,044, issued February 12, 2002 to McCrea, Jr. discloses a game table system, adapted for multiple sites under a central control, for providing a progressive jackpot in a live card game played at each gaming table between a dealer and a player. Each gaming table has an ante bet region, a dealer card region, and a player card region. The game table system of the present invention includes a sensor located at each bet region for detecting the value of the ante placed by the player at that location, a reader identifying each card dealt during the play of the game to the player and to the dealer, a computer connected to the sensor and the reader and the progressive jackpot for adding a predetermined percentage of the value of the ante to the progressive jackpot when a predetermined game event (such as the dealer going bust during the game of blackjack) occurs while preserving the value of the ante during the conventional play of the game. The computer, under the teachings of the present invention, awards the progressive jackpot to the player with a winning sequence of cards during the play of the game. The play, however, continues with the other players.

IV. Office Action Prior Art Rejections

On page (2), the Office Action rejected claims 1-7, 13-20, 22, 23, 29-37, 43-50, 52, 53, 59, and 60 under 35 U.S.C. § 103(a) as unpatentable over Walker et al., U.S. Patent No. 6,692,353 (Walker) in view of Boushy, U.S. Patent No. 5,761,647 (Boushy). On page (7), the Office Action rejected claims 8-12 and 38-42 under 35 U.S.C. § 103(a) as being unpatentable over Walker, Boushy, and further in view of Acres, U.S. Patent No. 6,319,125 (Acres). On page (8), the Office Action rejected claims 24-28 and 54-58 under 35 U.S.C. § 103(a) as being unpatentable over Walker, Boushy, Acres, and further in view of McCrea, Jr., U.S. Patent No. 6,346,044 (McCrea). Applicants respectfully traverse these rejections.

In the interest of expedited prosecution, all of the independent claims have been amended to recite the features of claims 22 and 52. In discussing the patentability of the independent claims, the Applicants will address the arguments used to reject claims 22 and 52.

With Respect to Claim 1: As amended, claim 1 recites:

*A method of tracking play of a game, comprising the steps of:
receiving a first set of game outcomes from play of a game associated with a first enterprise, wherein the first set of game outcomes include final game outcomes and intermediary game outcomes;
storing the first set of game outcomes in a database;
receiving a second set of game outcomes from play of a second game associated with a second enterprise independent from the first enterprise, wherein the second set of game outcomes include final game outcomes and intermediary game outcomes ; and
storing the second set of game outcomes in the database.*

As amended, claim 1 now recites the notion of receiving game outcomes that comprise intermediary game outcomes. In rejecting claims 22 and 52, the Office Action stated:

Regarding claim 22,52 the game play outcomes comprise final and intermediary outcomes, and the bonus is awarded at least in part on intermediary outcomes. For instance, in a game where a player must obtain 100 lemons, the first outcome is obtaining a first lemon and the last outcome is obtaining the 100th lemon. Lemons 2-99 are intermediary outcomes, but are still necessary for awarding the bonus.

The Applicant respectfully traverses this rejection. The rejection appears to base this rejection on a definition of "game" that is inconsistent with both the Walker reference and the Applicant's specification. The Applicant's specification does not define a "game" as a series of plays, but rather a hand of poker or a pull of a slot machine handle. (See page 12, lines 7-9, which recites "The gaming machines 202 may also report intermediate outcomes (e.g. in a draw poker machine, the dealt hand), and a bonus award can be defined using this information as well.")

While it is appropriate to interpret the Applicants claims for examination purposes according to the "broadest reasonable interpretation", that interpretation must be consistent with the specification. MPEP § 2111. The interpretation of a "game" to include an entire session of multiple games (e.g. enough to amass 100 lemons) is inconsistent with the Applicants specification, and therefore should not be adopted. When properly interpreted, Walker does not disclose the features of claim 1.

Boushy is likewise deficient. Basing awards on the amount wagered by a player is not analogous to keeping track of intermediate game outcomes.

Claims 16, 31, and 46 recite analogous features and are patentable for the same reasons.

V. Dependent Claims

Dependent claims 2-15, 17-20, 23-30, 32-45, 47-50, and 53-60 incorporate the limitations of their related independent claims, and are therefore patentable on this basis. In addition, these claims recite novel elements even more remote from the cited references. Accordingly, the Applicant respectfully requests that these claims be allowed as well.

VI. Conclusion


In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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